

Appl. No. 10/803,126  
Docket No. 9183M&  
Amdt. dated October 23, 2007  
Reply to Office Action mailed on April 27, 2007  
Customer No. 27752

RECEIVED  
CENTRAL FAX CENTER  
OCT 23 2007

### AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

#### Listing of Claims:

What is claimed is:

- 1) (currently amended) A composition comprising:
  - a) from about 0.01 weight% to about 5 weight%, based on the total weight of the composition, of pyrithione or a polyvalent metal salt of a pyrithione;
  - b) from about 0.001 weight% to about 10 weight%, based on the total weight of the composition, of a zinc-containing layered material which provides an augmentation factor greater than 1 wherein the zinc-containing layered material comprises hydroxy-containing basic zinc carbonate and further wherein the ratio of zinc-containing layered material to pyrithione or a polyvalent metal salt of pyrithione is from about 1:2 to about 3:1.
- 2) (previously presented) A composition according to Claim 1 wherein an augmentation factor of greater than 1.3 is achieved when zinc pyrithione is in combination with a zinc-containing material.
- 3) (previously presented) A composition according to Claim 1 wherein an augmentation factor of greater than 1.5 is achieved when zinc pyrithione is in combination with a zinc-containing material.
- 4) (Cancel in view of amendment to claim 1) A composition according to Claim 1 wherein a ratio of zinc-containing layered material to pyrithione or a polyvalent metal salt of pyrithione is from about 5:100 to about 10:1.
- 5) (canceled)
- 6) (canceled)
- 7) (canceled)

Appl. No. 10/803,126  
Docket No. 9183M&  
Amdt. dated October 23, 2007  
Reply to Office Action mailed on April 27, 2007  
Customer No. 27752

- 8) (previously presented) A composition according to Claim 1 wherein the basic zinc carbonate has a stoichiometry of  $Zn_5(OH)_6(CO_3)_2$ .
- 9) (original) A composition according to Claim 1 wherein the pyrrithione or polyvalent metal salt of pyrrithione is zinc pyrrithione.
- 10) (canceled)
- 11) (previously presented) A composition according to Claim 1 wherein the zinc-containing layered material is present from about 0.01 weight% to about 7 weight%, based on the total weight of the composition.
- 12) (previously presented) A composition according to Claim 1 wherein the zinc-containing layered material is present from about 0.1 weight% to about 5 weight%, based on the total weight of the composition.
- 13) (canceled)
- 14) (currently amended) A composition according to Claim 1 wherein the pyrrithione or a polyvalent metal salt of a pyrrithione ZPT is present from about 0.1 weight% to about 2 weight%, based on the total weight of the composition.
- 15) (currently amended) A composition comprising:  
(a) an antimicrobially effective amount of pyrrithione or a polyvalent metal salt of a pyrrithione, and  
(b) a zinc-containing layered material in an amount sufficient to enhance the efficacy of component (a); with the proviso that component (b) is present in a weight ratio of from about 5:100 to about 10:1 based upon the amount of component (a) present in said composition and wherein the zinc-containing layered material comprises layers comprising gallery ions between said layers.
- 16) (original) The composition of claim 15 wherein component (a) is zinc pyrrithione.

Appl. No. 10/803,126  
Docket No. 9183M&  
Amdt. dated October 23, 2007  
Reply to Office Action mailed on April 27, 2007  
Customer No. 27752

17) (original) The composition of claim 15 wherein component (b) is present in said composition as basic zinc carbonate.

18) (previously presented) A process for preparing a personal care composition comprising hydroxy-containing basic zinc carbonate, said personal care composition selected from the group consisting of shampoo, soap, skin care medicament, and combinations thereof, said process comprising reacting, in a personal care composition comprising pyrithione or a polyvalent metal salt of a pyrithione, a carbonate or bicarbonate salt that is soluble in the personal care composition with a zinc compound that is soluble or insoluble in the personal care composition, said zinc compound being selected from the group consisting of zinc salts of organic acids, zinc salts of inorganic acids, zinc hydroxide, zinc oxide, and combinations thereof, thereby causing in-situ reaction of the carbonate salt with the zinc salt to form said basic zinc carbonate in said basic zinc carbonate-containing personal care composition.

19) (previously presented) The process of claim 18 wherein said zinc compound is zinc hydroxide, and wherein said carbonate salt is sodium carbonate, and wherein said zinc hydroxide is reacted with said sodium carbonate in a molar ratio within a range of between about 1:10 and about 10:1.

20) (original) The process of claim 18 wherein the pyrithione or a polyvalent metal salt of a pyrithione and the basic zinc carbonate are simultaneously or step wise generated in situ in the personal care composition.

21) (currently amended) A personal care composition selected from the group consisting of shampoo, soap, skin care medicament, and combinations thereof, said personal care composition comprising:

- (a) water, alcohol, or a combination thereof,
- (b) pyrithione or a polyvalent metal salt of a pyrithione, and
- (c) as an augmentation agent for enhancing the antimicrobial efficacy of said pyrithione or polyvalent metal salt of pyrithione, particles and a layered film of an in-situ reaction product of a zinc compound selected from the group consisting of zinc salts of organic acids, zinc salts of inorganic acids, zinc hydroxide, zinc oxide, and combinations thereof, said zinc compound being soluble in said water or alcohol, with a carbonate salt

Appl. No. 10/803,126  
Docket No. 9183M&  
Amdt. dated October 23, 2007  
Reply to Office Action mailed on April 27, 2007  
Customer No. 27752

other than basic zinc carbonate that is soluble in said water or alcohol wherein the in-situ reaction product comprises hydroxy-containing basic zinc carbonate.

22) (previously presented) A process for preparing personal care composition comprising hydroxy-containing basic zinc carbonate, said personal care composition being selected from the group consisting of shampoo, soap, skin care medicament, and combinations thereof, said process comprising reacting, in a personal care composition, a carbonate or bicarbonate salt that is soluble in the personal care composition with a zinc compound that is soluble or insoluble in the personal care composition, said zinc compound being selected from the group consisting of zinc salts of organic acids, zinc salts of inorganic acids, zinc hydroxide, zinc oxide, and combinations thereof, thereby causing in-situ reaction of the carbonate salt with the zinc salt to form said basic zinc carbonate in an amount from about 0.001 weight% to about 10 weight% based on the total weight of the composition, in said personal care composition.

23) (original) A method of treating microbial infections comprising the use of the composition of Claim 1.

24) (original) A method of treating fungal infections comprising the use of the composition of Claim 1.

25) (original) A method of treating dandruff comprising the use of the composition of Claim 1.

26) (previously presented) A process for preparing a personal care composition according to Claim 22 wherein said basic zinc carbonate is present in an amount from about 0.01 weight% to about 7 weight%, based on the total weight of the composition, of said basic zinc carbonate in said personal care composition.

27) (previously presented) A process for preparing a personal care composition according to Claim 22, wherein said basic zinc carbonate is present in an amount from about 0.1 weight% to about 5 weight%, based on the total weight of the composition, of said basic zinc carbonate in said personal care composition.

Appl. No. 10/803,126  
Docket No. 9183M&  
Amdt. dated October 23, 2007  
Reply to Office Action mailed on April 27, 2007  
Customer No. 27752

28) (New) A composition according to Claim 15 wherein the zinc-containing layered material is obtained synthetically or formed in situ in a composition or during a production process.